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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 01-221	
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		First Named Inventor Weber et al.	
		Art Unit 2142	Examiner Michael D. Meucci
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
I am the		<u><i>Fay</i></u> Signature Theodore D. Fay III Typed or printed name	
<input type="checkbox"/> applicant/inventor.		972-385-8777 Telephone number	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		July 7, 2006 Date	
<input checked="" type="checkbox"/> attorney or agent of record. 48,504 Registration number			
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: **Weber et al.**

Serial No.: **09/965,292**

Filed: **September 27, 2001**

For: **Infiniband Isolation Bridge Merged
with Architecture of an Infiniband
Translation Bridge**

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Group Art Unit: **2142**

Examiner: **Meucci, Michael D.**

Attorney Docket No.: **01-221**

24319

PATENT TRADEMARK OFFICE
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By: _____

Dell Whitton
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REASONS IN SUPPORT OF APPLICANTS' PRE-APPEAL
BRIEF REQUEST FOR REVIEW**

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. 41.31 and with the rules set out in the OG of July 12, 2005 for the New Appeal Brief Conference Pilot Program.

No fee or extension of time is believed due for this request. However, if any fee or extension of time for this request is required, Applicants request that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to Deposit Account No. 12-2252.

REMARKS

Applicants hereby request a Pre-Appeal Brief Review (hereinafter "request") of the claims finally rejected in the Final Office Action mailed April 07, 2006. The request is provided herewith in accordance with the rules set out in the OG dated July 12, 2005. The request is needed because the rejections are clearly in error.

IA. *Reshef* Does Not Teach or Suggest Pre-Posting Command Buffers

The Examiner has failed to state a *prima facie* obviousness rejection against claim 1 because the proposed combination of *Reshef* and *Petty*, when considered as a whole, does not teach or suggest all of the features of claim 1. For example, the proposed combination of *Reshef* and *Petty*, when considered as a whole, does not teach the feature of pre-posting command buffers, as recited in claim 1.

The examiner relies on *Reshef* as teaching this claimed feature. The Examiner specifically refers to the following portion of *Reshef* as teaching this claimed feature:

The flow of data coming in to the security gateway **10** in application format through the protocol manager **2c** and **4c** is shown in FIG. 7. The data arrives in its native application format at step **500** and is read by the protocol manager **2c** and **4c** from the queue **210** containing data coming from the routing managers **2b**, **4b**. This application-format data is then transferred to the session manager **220** at step **510**. At step **520** the session manager **220** locates an available session handler **230**, and sends the data buffer to that session handler.

At step **530**, the session handler **230** scans the sessions currently active or "open", to determine which session the data belongs to before sending the data to the corresponding session object **240** for processing. If the data does not belong to one of the open sessions, the session handler **230** initiates a new session object **240** and sends the data, all this comprising step **530**. The session object **240** begins by storing the data buffer in the object repository (OR) **300**, step **540**. The session object **240** then consults the PET **310** to get the identity of the next protocol entity **710** that should be used to process the data, reducing it to clear data in CIP format at step **550**. If other protocol entities are needed to process the data, then the data is handed on to the next protocol entity **710** for processing in step **560**, that protocol entity **710** retrieves the data from the buffer in the OR **300** and deposits the processed result there in step **570** when its process is complete.

Reshef, column 16, lines 19 through 45 (emphasis to show portions cited by the Examiner).

This portion of *Reshef* teaches that the data is buffered in a data buffer and then that data buffer is sent to an available session handler. Sending the data buffer to an available session handler is the same as posting the data buffer to an available session handler. Posting a data

buffer is not the same as pre-posting command buffers. Thus, this section of *Reshef* does not teach pre-posting command buffers, as recited in claim 1.

Furthermore, *Reshef* does not suggest the feature of pre-posting command buffers. *Reshef* is a security gateway between an external, untrusted computing system and an internal, trusted environment. *Reshef* is concerned with limiting the content passed from the external environment to the internal environment. (see *Reshef*, Abstract). The cited portion of *Reshef* merely teaches how the buffered data received by the security gateway is transferred from protocol entity to protocol entity in order to reduce the data to clear data in a CIP format. As stated in lines 16 through 28, cited above, *Reshef* teaches that the data is received from routing managers and then buffered to a data buffer. Once the data has been buffered, the session manager locates an available session and posts the data buffer to the available session handler. As *Reshef* teaches posting a data buffer only once a session handler becomes available, *Reshef* clearly does not suggest pre-posting command buffers.

Additionally, *Petty* does not cure the deficiencies of *Reshef* in this regard. Certainly, the Examiner does not assert that *Petty* teaches pre-posting command buffers, as recited in claim 1. Instead, *Petty* is cited by the Examiner as teaching the functional equivalent of an Infiniband Isolation bridge.

What *Petty* does teach is a method for performing direct data transfers between a PCI bus and an Infiniband link that avoids double buffering the data in system memory. That is, *Petty* provides a method that avoids copying data from a system memory buffer to an application memory buffer. This method speeds up the communication process between the Infiniband system and the non-Infiniband system. *Petty* is silent in regards to the issue of pre-posting command buffers. In fact, *Petty* teaches a method to avoid the use of buffers, through a set of virtual addresses mapped in memory to avoid buffering the data. As such, not only does *Petty* not teach pre-posting command buffers, but *Petty* also does not suggest pre-posting command buffers.

As shown above, neither *Reshef* nor *Petty* teaches or suggests pre-posting command buffers, as recited in claim 1. For this reason, the cited combination of *Reshef* in view of *Petty* does not teach all of the features of claim 1. Accordingly, the proposed combination of *Reshef* in view of *Petty* does not result in the claimed invention and the Examiner has failed to state a *prima facie* obviousness rejection of claim 1.

I.B. Rebuttal to Examiner's Response

The Examiner responds to the arguments presented in the Response to Final Office Action filed June 7, 2006 by explaining how various portions of the previously cited prior art is applied to reach the presently claimed invention. Of most relevance to the above fact is the following response:

Reshef clearly teaches pre-posting command buffers on lines 19-45 which describes buffering incoming commands (lines 26-28 of column 16), the commands being in application format (i.e. external small computer system interface commands) (lines 19-24 of column 16), translating the command (lines 10-15 of column 13), and sends the translated command to the device (lines 17-18 of column 13 and lines 42-52 of column 13).

Advisory Action of June 21, 2006, continuation of part 11.

However, the Examiner's interpretation of the claimed invention vis-à-vis *Reshef* is incorrect. The Examiner appears to assert that *Reshef* teaches the feature in claim 1 of "pre-posting command buffers" because *Reshef* teaches buffering incoming data. Thus, the Examiner appears to believe that the *buffering of data by a data buffer* is the same as *the pre-posting of command buffers*. The Examiner is incorrect. Pre-posting is an action performed on the actual buffer whereas buffering is an action performed by the buffer. As stated on page 11, lines 5 through 6 of the Specification, "An internal RAID controller 106 pre-posts command buffers to the isolation bridge 150 (step 603)."

Therefore, for all the reasons set forth above, Applicants submit that neither *Reshef*, nor *Petty*, nor the combination of *Reshef* in view of *Petty* teaches the presently claimed invention as recited in claims 1, 5, 10, and 14. Claims 2-4, 8, 9, 11-13, and 15-18 depend from independent claims 1, 5, 10, and 14. As such, Applicants submit that claims 2-4, 8, 9, 11-13, and 15-18 are also patentable over the combination of the cited references, at least by virtue of their depending from an allowable claim.

Furthermore, as explained in the Response to Final Office Action filed on June 6, 2006, neither *Catiller*, nor *Nielsen*, nor the combination of *Reshef* in view of *Petty* in view of *Catiller*, nor the combination of *Reshef* in view of *Petty* in view of *Nielsen*, nor the combination of *Reshef* in view of *Petty* in view of *Catiller* in view of *Nielsen* satisfies the deficiencies of *Reshef*. *Catiller* teaches forming a network support processor to execute data transfer for up to four main computers. *Catiller* is silent regarding the use of buffers and pre-posting buffers. Thus, *Catiller* neither teaches nor suggests the feature of pre-posting command buffers. *Nielsen* teaches a fault tolerant memory system. *Nielsen* is silent regarding the use of buffers and pre-posting buffers. Therefore, *Nielsen* neither teaches nor suggests the feature of pre-posting command buffers.

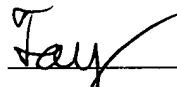
Hence, neither *Catiller*, nor *Nielsen*, nor the combination of *Reshef* in view of *Petty* in view of *Catiller*, nor the combination of *Reshef* in view of *Petty* in view of *Nielsen*, nor the combination of *Reshef* in view of *Petty* in view of *Catiller* in view of *Nielson* teaches all of the features of the claims. Accordingly, the Examiner has failed to state a *prima facie* obviousness rejection of the claims.

II. Conclusion

The Examiner has clearly failed to state a *prima facie* obviousness rejection of the claims because the references do not teach what the examiner asserts them to teach. Therefore, Applicants request that the Pre-Appeal Brief Conference Panel withdraw the rejections and direct that the claims be allowed. The Pre-Appeal Brief Conference Panel is invited to call the undersigned at the below-listed telephone number if in the opinion of the panel such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: July 7, 2006

Respectfully submitted,



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